1949 **File No.** Factories II/49 (N)

Legl Deptt.

K

B BRANCH

Subject:— Rules and Notifications under Indian Factories Act 1934

E
P-4
Laws

File No. Factories II/49 (N)

142-13

NOTIFICATION.

Factories Act. 1934.

No. 687/46 .- In exercise of the powers conferred by sub-section (5) of Section 10 of the Factories Act, 1934, (XXV of 1934), the Government of Bombay, is pleased to appoint Mr. C.U. Moshi, M.B.B.S., D.C., B.M.S., Class I Special Officer for Workmen's State Insurance Scheme, to be additional Inspector of Factories for the whole of the Bombay Province for the purposes of Chapter III of the said Act.

By order of the Governor of Bombay,

Secretary to Government.

V.M.D./2-6
46.

Legal Department.

The draft Notification at page 7 ante as slightly amended is in order.

Sd/- J.R.Dhurandar.
10-1-
Additional Secretary to Government.

U.H. to Labour Department. No. 324.
Dated the 11th January 1949.

V.M.D. / 2-6
46.

Legal Department.

The doubt raised by the Commissioner of Labour has no basis. Section 35(1) of the Factories Act, 1948 can apply to a class of factories. The proposed notification is intra vires. A revised draft thereof is sent herewith subject to the following observations:-

(i) Column 2 of the Schedule specifies the type of manufacturing process. The expression "manufacturing process" has been defined in section 2(k) of the Act, the second column should, therefore, be in strict conformity with the wording of that clause. For instance, against the first entry in the Schedule the words "for use or x for sale thereof" as used go to the process which is obviously not intended. The entry has been suitably amended.

(ii) Similarly entry 5 has been revised as the process of printing on paper must, according to the law, be carried on by way of trade or for purposes of gain.

(iii) The last entry 12 refer to the process involving operation, declared as dangerous operations under section 87 of the Act. It will be noticed that section 87 requires that rules to be made thereunder are to specify what operations carried on in a factory are dangerous. No rules appear to have been made under that section; but section 120 of the Act provides that anything done under the repealed enactments which could have been done under this Act if it had been then in force shall be deemed to have been done under this Act. The entry x has accordingly been revised.

3. By Political and Services Department notification No. 3323/46 P, dated the 8th June 1949 the Factories Act, 1948, has been extended to the Indian States specified in Schedule I to the Indian States (Application of Laws) Order, 1948 and the Kolhapur State(Application of Laws) Order, 1949 . The notification has accordingly been amended.

Sd/- J.R.Dhurandar. 30-6
Additional secretary to Government

Cf. R. to Labour Deptt. NO [illegible] Dt. 1st July 1949.

Labour Department.

Bombay Castle, June 1949.

Factories Act 1948.

No. .- In exercise of the powers conferred by section 85 of the Factories Act, 1948 (LXIII of 194 read with paragraph of the Indian States (Application of Laws) Order, 1948, and the Kolhapur State (Applicat of Laws) Order, 1949, the Government of Bombay is pleased to declare -

(a) that all the provisions of the said Act shall apply to the Metal Factory and Calandering Works, outside Raipur Gate, Ahmedabad, known as the M/s Valji Bhanji Metal and Calendering Factory; and

(b) that the provisions of the said Act specified column of the Schedule here to annexed shall apply respectively to places in the Province of Bombay and t Indian States specified in Schedule I to the Indian States (Application of Laws) Order, 1948 and the Kolhapur State inclusive or the Jahgirs within its limi wherein the manufacturing process specified in column 2 of the said Schedule is carried on without the aid of power or is so ordinarily carried on and wherein the number of notwithstanding that the persons working therein are not employed by the owner thereof but are working with the permission of or under agreement, with such owner; Provided that any such manufacturing proces is not being carried out by the owner only with the aid of his family.

SCHEDULE.

Number of entry.	Manufacturing process.	Provisions of the said Act supplied.
1	2	3
1.	The process of casting, polishing, packing or otherwise adapting type with a view to its use or for sale	All the provisions of the said act applicable to factories.
2.	The process of hand yarn dyeing with use of lead compounds in the dyeing process.	-do-

3.	The process of washing, or bleaching, or both, of cloth manufactured in mills when carried on as part of or in aid of manufacturing process.	Chapter VI and VII and sections 6,7,39,40, 88, 107, 108, 109,110 and 112.
4.	The process of manufacturing leather goods or articles.	Chapter VII and sections 6,7,52,54,59,61, 62, 63,66,88,107,108 109,110, and 112.
5.	The process of printing by letter-press, lithography, photogravure book-binding, or type setting, carried on by way of trade or for the purposes of gain.	Chapter VII and sections 6,7,52,54,59,61 62,63,66,88,107,108, 109,110 and 112.
6.	The process of manufacturing bread, biscuits, or confectionery.	-do-
7.	The process of weaving cloth from cotton yarn.	Sections 6,7,52,54,59, 61,62,63,66,88,107,10 109,110 and 112.
8.	The process of dyeing, bleaching, or printing of cloth, yarn or articles or all three.	Chapter VII and sections 6,7,52,54,59,61, 62,63,6688,107 ,108, 109,110,and 112.
9.	The process of manipulating metal into articles.	-do-
0.	The process of breaking, or cleaning or sorting, or grading,or packing of raw gum lumps.	Sections 6,7,13,16,1 18,19,42,52,54,55,59, 61,62,63,66,88,107,10 109,110,112.
1.	The process of manufacturing rubber balloons,	All the provisions of the said Act applicable to factories.
2.	The process involving operations declared as dangerous operations under section 87 of the Act, read with the section 120 thereof.	Chapter VII and sections 6,7,11,13,14,17, 18,19,42,52,54,59,61, 62,63,66,87,88,89,107, 108,109,110, and 112.

By order of the Governor of Bombay,

Secretary to Government,
Labour Department.

M.D./B-6